

# **Procedures for the Submission & Processing Of a Request for a Staff Advisory Opinion regarding the frankability of correspondence, electronic communications, & other official materials.**

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## **I. *SUBMITTING A REQUEST***

- A. Prepare in as close to possible final format a draft of the material to be submitted for review. Draft should include, as applicable:
  - 1. Complete and formatted text in actual size and color(s);
  - 2. All photographs (official head shot of MC does not require a caption; for all other photos in which the MC appears, the official business being conducted by the MC as depicted in the photo must be explained in the accompany text or corresponding caption/cut line);
  - 3. All illustrations, charts, and/or other graphics;
  - 4. If a newsletter, news release, etc., the banner head;
  - 5. Mailing panel, including the MC's frank and the applicable USPS rate marking; and
  - 6. If a mass mailing, the mass mail statement (This mailing was prepared, published, and mailed at taxpayer expense.); and
  - 7. Complete and formatted copy of all enclosures, attachments, etc.
- B. Submit the draft accompanied by the following forms to the Franking Commission
  - 1. Request for an Advisory Opinion Form;
  - 2. Franking Certification Form (Note: This form must be signed by the MC's staff Point of Contact [POC]); and
  - 3. If a single drop mailing (500 or more unsolicited pieces of substantially identical content to be mailed on the same day), a Single Drop Mass Mail Obligation Form (Note: This form must be signed by the MC.)

## **II. *REVIEW OF A REQUEST SUBMITTED BY A MAJORITY OFFICE***

- A. If the requesting office is a majority office, the request should be submitted to the office of the majority staff of the Franking Commission (1216 LHOB or via fax to 202-225-7664).
- B. Upon receipt of the request, the majority staff of the Commission creates a record for the request; reviews the material for compliance with applicable statute, rule, and regulation; enter its determination regarding compliance into the record; and forwards the material to the minority staff for review and consideration.

- C. Minority staff reviews the material for compliance with applicable statute, rule, and regulation, enters its determination regarding compliance into the record, and returns the material to the majority staff.
- D. Majority staff contacts the requesting office's POC as identified on the Request for Advisory Opinion Form to advise whether or not the material has been deemed frankable.

★ If the request is being submitted by a minority office, the request should be ★ submitted to the office of the minority staff of the Franking Commission (1216A LHOB or via fax to 202-226-0047) and the review process proceeds in reverse of the process described above.

### III. NOTICE OF FRANKABILITY/NON FRANKABILITY

A. If deemed **frankable**, the Commission staff:

- 1. Provides notice to the POC of the "preliminary authorization," i.e., authorization to print and/or distribute/disseminate the communication. (*Note: Notice of the Preliminary Authorization to the POC is by phone call or e-mail; the date on which the Preliminary Authorization is issued is noted in the Commission's record of the request; the requesting office should not print or distribute the material under review prior to having received notice of the preliminary authorization.*); and
- 2. Reviews with the POC the procedure to be followed to procure the written Advisory Opinion.

B. If deemed **non frankable**:

- 1. The Commission staff will review with the POC the revisions required to bring the material into full compliance with the applicable statutes, rules, and/or regulations Commission staff will note the *date and substance of the review in the record of the request.*
- 2. Requesting office submits a revised draft to the majority staff of the Commission incorporating revisions required to bring material into compliance.
- 3. Majority staff reviews the revised material for compliance with applicable statute, rule, and regulation, enters its determination regarding compliance into the request record, and forwards the revised material to the minority staff for review and consideration.
- 4. Minority staff reviews the revised material for compliance with applicable statute, rule, and regulation, enters its determination regarding compliance into the record, and returns the revised material to the majority staff.
- 5. Majority staff contacts the POC to advise whether or not the material has been deemed frankable.
  - a. If the revised material is deemed **frankable**, the Commission staff:
    - i. Provides notice to the POC of the "preliminary authorization," i.e., authorization to print and/or distribute/disseminate. (*Note: Notice of the Preliminary Authorization to the POC is by phone call or e-mail; the date on which the Preliminary Authorization is issued is noted in the Commission's record of the request; the requesting office should not print or distribute the material under review prior to having received notice of the preliminary authorization.*); and
    - ii. Reviews the procedure to be followed to procure the written Advisory Opinion.

- b. If the revised material is deemed **non frankable**, step III, B is repeated until the material is revised to the point that it can be deemed frankable.

#### **IV. WRITTEN *ADVISORY OPINION***

- A. When final copy of the material becomes available, the requesting office submits FOUR ORIGINAL COPIES to the Franking Commission. If the material was distributed as a single drop mass mailing, a copy of the corresponding USPS 3600-PM AND/OR 3602-R OR PITNEY BOWES STATEMENT FORM must be submitted with the FOUR ORIGINAL COPIES
- B. Upon receipt, Commission staff will generate and prepare for signature four copies of the written Advisory Opinion deeming the material frankable.
- C. Upon signature by representatives of the majority and minority staff, a copy of the Advisory Opinion:
  - 1. Will be sent to the requesting office;
  - 2. Retained in the file maintained by the minority office of the Commission;
  - 3. Retained in the permanent file of the Commission maintained by the majority office of the Commission; and
  - 4. Forwarded to the Legislative Resource Center to be made available for public disclosure purposes.

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